

MAY 15, 2001

AN ORDINANCE

BY: COUNCIL MEMBER CLAIR MULLER, DISTRICT 8
AS SUBSTITUTED BY ZONING COMMITTEE

AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES BY REMOVING SECTION 16-21-FH, FLOOD HAZARD DISTRICTS, IN ITS ENTIRETY AND RE-CODIFYING IT AS SECTION 74-50-FH, FLOOD HAZARD DISTRICTS, AND UPDATING FLOOD HAZARD DISTRICT MAP REFERENCES, AND RESTRICTING THE USE OF COMPENSATING EXCAVATION OR CONTOURING PROCEDURES TO MODIFY FLOOD HAZARD LIMITS.

WHEREAS, the City of Atlanta has historically managed watersheds with the City, to minimize the risk of flooding of homes and businesses by placing restrictions and limitations on development within the floodplain of streams; and

WHEREAS, revisions to the City of Atlanta Code of Ordinances have established Section 74, Environment, as the appropriate location for regulations pertaining to storm water management and land disturbing activities; and

WHEREAS, Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) are one of the tools utilized and referenced in the management of said watershed; and

WHEREAS, the Federal Emergency Management Agency Flood Insurance Rate Maps have been revised and reissued effective June 22, 1998; and

WHEREAS, placing fill within a floodplain has historically been prohibited unless offsetting excavating and recontouring is performed; and

WHEREAS, floodplains and land abutting floodplains, in their natural state are important ecological environments where vegetation reduces the velocity of storm water entering streams; serve as a filter for storm water - reducing the amount of suspended solids entering the stream and consequent siltation; and provide shade canopy - improving the habitat for aquatic and riparian life; and

WHEREAS, even under the best of conditions, filling, excavating, and recontouring land within the flood plain results in major damage to natural vegetation; and

WHEREAS, the City of Atlanta is committed to protecting the water quality in streams within its jurisdiction;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, that:

The City of Atlanta Code of Ordinances is hereby amended by removing Section 16-21-FH, Flood Hazard Districts in its entirety from Part 16, and re-codifying it as Section 74-50-FH, Flood Hazard Districts in Chapter 74; and

All references to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps contained in the City of Atlanta Code of Ordinances should be amended to reflect the maps most recently revised issuance (June 22, 1998); and

That portion of Section 16-21.004 - Permits Required, subsection (2) - Flood Plain Protection, which presently reads:

The commissioner shall not authorize the approval of any permit authorizing the placement of fill or stored materials, or the construction of any building or other structure, within a floodplain unless compensation is made for the volume of that floodplain thereby displaced by the addition, by excavation or contouring of an area within or contiguous to that floodplain, at least an equal volume of flood storage. Drainage from any excavation or contouring necessary to provide such compensating volume shall be by gravity into the floodway, and appropriated ground cover shall be provided in and adjacent to any excavation of contouring to prevent any increase of erosion or sedimentation into the floodplain.

Shall be deleted and substituted with the following, (which shall be renumbered appropriately in Chapter 74-50-FH, Flood Hazard Districts):

The Commissioner shall not authorize the approval of any permit authorizing the placement of fill or stored materials, or the construction of any building or other structure within a floodplain. Earth disturbing activities in the floodplain shall be permitted only when the resulting configuration shall allow storm water to enter the floodway by sheet flow (not channelize flow) and results in no loss of existing flood plain volume. Any earth disturbing activities within a floodplain shall be subject to requirements of stream bank buffer limits and should be conducted using Best Management Practices for soil erosion and sedimentation control. The use of compensating excavation or contouring procedures to modify flood hazard limits may only be applied to install necessary public roadway and utilities within the flood limits to support existing property(s) which are not within the flood limits.